

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RUBY STREETER,**

**Plaintiff,**

**v.**

**OFFICE OF DOUGLAS R. BURGESS,  
LLC, and DOUGLAS R. BURGESS,  
ET AL.**

**Defendants.**

**CASE NUMBER: 1:07-cv-97-WKW**

**NOTICE OF FILING**

NOW COMES Defendants The Office of Douglas R. Burgess, LLC and Douglas R. Burgess (collectively, "Burgess"), and files this notice in support of Defendants' Motion to Quash Subpoenas [Doc. No. 114] submitting the subpoenas issued to First Amherst Development Group, LLC. A true and correct copy is attached hereto as Exhibit A.

Dated this the 18<sup>th</sup> day of July, 2008.

Respectfully submitted,

s/ Fern H. Singer

Fern H. Singer

Stacey A. Davis

Attorneys for Defendant

OF COUNSEL:

BAKER, DONELSON, BEARMAN  
CALDWELL & BERKOWITZ, P.C.

420 North 20th Street, Suite 1600  
Birmingham, Alabama 35203-5202

(205) 328-0480 -- Phone

(205) 322-8007 -- Fax

**CERTIFICATE OF SERVICE**

I certify that the foregoing has been served upon the following counsel of record by electronic mail on this the 18<sup>th</sup> day of July, 2008:

Gary Wyatt Stout  
Michael D. Brock  
David G. Poston  
Brock & Stout  
PO Drawer 311167  
Enterprise, AL 36331-1167

Blake D. Andrews  
Starnes & Atchison, LLP  
100 Brookwood Place, 7<sup>th</sup> Floor  
PO Box 598512  
Birmingham, Alabama 35259

William Carlisle Carn, III  
William Wayne Nichols  
Lee & McInish  
PO Box 1665  
Dothan, Alabama 36302

s/ Fern H. Singer  
Of Counsel

# EXHIBIT A

EXHIBIT A

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the  
UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

RUBY STREETER

## SUBPOENA IN A CIVIL CASE

V.

OFFICE OF DOUGLAS R. BURGESS, LLC, et al.

Case Number:<sup>1</sup> 1:07-cv-97

TO: First Amherst Development Group, LLC  
4508 Main Street  
Snyder, NY 14226

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE ATTACHMENT (NOTE: 2 Attachments; Not Duplicates)

PLACE	DATE AND TIME
DAVID G. POSTON, BROCK & STOUT, LLC., P. O. DRAWER 311167, ENTERPRISE, AL 36331-1167, (334) 393-4357 phone, (334) 617-2689 facsimile	

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify Federal Rules of Civil Procedure, 30(b)(6)

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>David G. Poston, Attorney for Plaintiff</i>	7/2/08
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
David G. Poston, P. O. Box 311167, Enterprise, AL 36331-1167, (334) 393-4357.	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d) and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number

FIRST AMHERST DEVELOPMENT GROUP, LLC  
4508 MAIN STREET  
SNYDER, NEW YORK, 14226

This subpoena refers to  
4246 Ridge Lea Road  
Amherst, New York 14226

As to the premises at 4246 Ridge Lea Road, Amherst, New York 14226

1. Provide copies of any and all leases as between you and any entity and who is known or doing business as:
2.
  - a. Law Office of Douglas Burgess.
  - b. Office of Douglas Burgess LLC
  - c. Law Office of Douglas Burgess, LLC.
  - d. Douglas R. Burgess
3. Identify every lease by the specific address and suite number.
4. Provide copies of checks, in your possession, that were tendered as lease payments for the subject property at 4246 Ridge Lea Road, Amherst, New York 14226, and used to pay lease payments for the premises being occupied by or doing business as Douglas R. Burgess, Law Office of Douglas R. Burgess, LLC, Office of Douglas R. Burgess, LLC.
5. As to paragraphs 1, 2a, 2b, 2c, and 2d, if any lease has been renewed within the past 12 months, provide copies of prior leases as between you and the parties referenced in paragraph 1.
6. If any security deposit was paid on the leased premises identified in paragraphs 1 provide copies of any checks used to pay the security deposits and any receipts issued by you to the entity for the security deposit.
7. Identify by name, address and phone number, any person known to you as the "contact" for each of the leased premises identified in paragraphs 2a through 2d.
8. Provide copies of any personal guarantees for each of the leased properties identified in paragraphs 1 and 2a through 2d.
9. Provide copies of any sub-leases for each of the leased properties identified in paragraphs 1 and 2a through 2d.
10. If you are not the owner of the premises at 4246 Ridge Lea Road, Amherst, New York 14226, provide the owners name, address and phone number.

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1. Provide copies of any and all leases as between you and any entity and who is known or doing business as:
2.
  - a. Portfolio Partners, LLC
  - b. Portfolio Partners of Amherst, LLC
  - c. GMK
  - d. Portfolio Partners
3. Identify every lease by the specific address and suite number.
4. Provide copies of checks, in your possession, that were tendered as lease payments for the subject property at 4246 Ridge Lea Road, Amherst, New York 14226, and used to pay lease payments for the premises being occupied by or doing business as Portfolio Partners, LLC; Portfolio Partners and GMK, Inc., Portfolio Partners of Amherst, LLC; Portfolio Partners.
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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

*David G. Poston* Attorney for Plaintiff

7/2/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David G. Poston, P. O. Box 311167, Enterprise, AL 36331-1167, (334) 393-4357.

(See Rule 45, Federal Rules of Civil Procedure Subdivisions (c), (d), and (e), on next page)

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